

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES HINES,

Plaintiff, No. CIV S-03-2385 GEB PAN P

vs.

NUCKLE, et al.,

Defendants. ORDER

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Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights complaint pursuant to 42 U.S.C. § 1983. By order filed March 17, 2006, plaintiff was directed to submit written questions for direct examination of inmate witnesses Tucker and Wilson and defendants were directed to file objections, if any, within the following thirty days. After receiving extensions of time, plaintiff submitted his proposed written questions on June 28, 2006. Although plaintiff provided a certificate of service to his filing, he attested to service on the court rather than on counsel for defendants. Accordingly, the Clerk of the Court will be directed to forward a copy of plaintiff's June 28, 2006 question to counsel for defendants and counsel will be granted fifteen days from the date of this order in which to file objections and proposed written questions for cross-examination.

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On July 28, 2006, plaintiff filed a motion to compel discovery. However, discovery closed April 1, 2006.¹ Thus, plaintiff's motion to compel is untimely and will be denied. Moreover, most of plaintiff's requests contained in his motion to compel were denied by this court's order filed March 17, 2006. (Docket No. 64.) Finally, plaintiff is advised that defendants have provided the court with the addresses for inmates Tucker and Wilson and written questions will be submitted directly to these inmate witnesses once all questions have been received by the court.

IT IS HEREBY ORDERED that:

1. The Clerk of the Court shall forward a copy of plaintiff's June 28, 2006 questions (docket no. 80) to counsel for defendants.

2. Defendants are granted fifteen days from the date of this order in which to file objections and proposed written questions for cross-examination.

3. Plaintiff's July 28, 2006 motion to compel is denied.

DATED: August 29, 2006.

John F. Worldwide
UNITED STATES MAGISTRATE JUDGE

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¹ The court extended the discovery deadline to September 1, 2006, solely for the purpose of completing the written depositions of inmate witnesses Tucker and Wilson. (March 17, 2006 Order at 4.)